

REMARKS

Claims 1-4, 6-10, 12-19, 21-28, 30-32 and 34-38 are pending. Claims stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,311,180 to Fogarty.

Reconsideration is requested. The rejections are traversed. No new matter is added. Claims 1, 6, 8, 10, 14-15, 17, 19, 24, 26, and 28 are amended. Claims 1-4, 6-10, 12-19, 21-28, 30-32 and 34-38 remain in the case for consideration.

REJECTION UNDER 35 U.S.C. §102(e)

Referring to claim 1, the invention is directed towards an apparatus for determining a language for a user, comprising: a first computer; a directory entry for the user, the directory entry stored in the first computer and including identity information for the user; location information for a location of a second computer from which the first computer can be accessed; a ranker for ranking a plurality of languages based on at least the directory entry and the location information; and a selector for selecting one of the plurality of languages with a highest rank.

Referring to claim 6, the invention is directed towards a method for determining a preferred language for a user, comprising: logging the user into a first computer from a second computer with login information; using the login information to identify a directory entry for the user; determining a first language from the directory entry for the user; determining a second language based on a location of the user at the second computer; ranking the first and second languages; and selecting a highest ranked language as the preferred language.

Referring to claim 15, the invention is directed towards a computer-readable media containing a program to determine a preferred language for a user, the program comprising: logging software to log the user into a first computer from a second computer with login information; using software to use the login information to identify a directory entry for the user; identification software to identify a first language from the directory entry for the user; identification software to identify a second language based on a location of the user at the second computer; ranking software to rank the first and second languages; and selection software to select a highest ranked language as the preferred language.

Referring to claim 24, the invention is directed towards an article comprising: a computer-readable modulated carrier signal; means embedded in the signal for logging a user in to a first computer from a second computer with login information; means embedded in the signal for using the login information to identify a directory entry for the user; means embedded in the signal for identifying a first language from the directory entry for the user; means embedded in the signal for identifying a second language based on a location of the user at the second computer; means embedded in the signal for ranking the first and second languages; and means embedded in the signal for selecting as a preferred language a highest ranked language.

In contrast, Fogarty teaches a method for mapping and formatting information for a display device. In column 6, lines 3-7, Fogarty teaches a user profile includes language preferences for the user. Fogarty also teaches that the user profile can include a locale for where the user lives. In column 7, lines 55-60, Fogarty teaches that a preferred language indicated in a user profile is factored in considering a preferred language to display. Fogarty then teaches in column 7, lines 61-73, that these languages “are compared to the popular languages used in the locale where the user lives.”

Claims 1, 6, 15, and 24 all recite a first computer with a directory entry for the user. Claims 1, 6, 15, and 24 also recite a second computer from which a user logs in to the first computer. A plurality of languages from the directory entry on the first computer and location information of the second computer are ranked. Claims 1, 6, 15, and 24 are not concerned with a locale where the user lives, but instead the actual location of the user at the second computer connecting to the first computer.

FIG. 4 of the present application is exemplary. FIG. 4 shows determining a geographic location for a user's computer. In FIG. 4, a user on computer 105 (located in Seattle, WA) uses network 110 to access computer 115. On page 7, lines 13-14, the specification describes that “the user's location can be sent over network 110 to server 115.” The “user's location” is the actual location of the second computer being used to access the first computer; the “user's location” is not a static entry in a directory entry or other database field. For example, if the user travels to Mexico and uses a computer in Mexico to access the first computer, the location in Mexico would be used to determine a language for the user.

Once a location of the user is determined, page 7, lines 15-18 of the specification provides that “database 205 can be checked to determine a default language for the user's

location. In FIG. 4, as shown by entry 415, the default language for Seattle, WA, U.S.A. is English. Thus the user can be assigned a default language of English based on his location.”

This is different from the location where the user lives, as provided by Fogarty. In Fogarty, the location where the user lives doesn’t change depending on the computer accessed – it changes only if the user changes the entry indicating where the user lives. In other words, where the user lives does not change depending on the computer used. Fogarty does not teach or suggest location information as recited in claims 1, 6, 15, and 24. Fogarty simply uses the locale of where the user lives, and preferred languages. Both this information is static information included in Fogarty’s user profile.

Further, claims 1, 6, 15, and 24 recite that after determining a location of the second computer, languages are ranked based on the location information and at least one language in a directory entry for the user. This ranking of languages is ranking information from two different sources. But Fogarty also describes one source for language possibilities: the user profile.

Because Fogarty does not teach or suggest location information for a user’s computer or ranking languages from a directory entry and the, claims 1, 6, 15, and 24 are patentable under 35 U.S.C. §102(e) over Fogarty. Accordingly, claims 1, 6, 15, and 24 are allowable, as are claims 2-4, 7-10, 12-14, 16-19, 21-23, 25-28, 30-32, and 34-38.

Referring to claim 3, the invention is directed towards an apparatus according to claim 1, further comprising: a container hierarchy, the container hierarchy including at least a first container, the first container including a second container, the second container including the directory entry; and the second container including a default language.

Referring to claim 4, the invention is directed towards an apparatus according to claim 3, wherein the directory entry can inherit the default language from the second container.

In rejecting claim 3, the Examiner “takes official notice that it is old and well-known in client-server programming to use OO programming using Java or C++, high level languages that both have container classes. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to use OO programming in the Fogarty system to create a more efficient debugging process.” The Examiner also notes that while Fogarty does not teach inheritance of a default language from a container as recited in claim 4, inheritance is well-known in the art and therefore obvious.

The Examiner does not show Fogarty teaching a container hierarchy, but instead argues that container classes are well known in object oriented programming. A container in a container hierarchy is distinguishable from a class in object oriented programming. A class defines the data structures of an object of that class type and the methods that can be used with that object. No such limitation exists for containers in a container hierarchy which can include desired objects. As Fogarty does not describe using containers to form a container hierarchy, the Examiner's argument that Fogarty would use object oriented programming to create a more efficient debugging process does not show or suggest the claimed features of a container hierarchy. In fact, Fogarty makes no suggestion of using a container hierarchy, and the Examiner similarly does not argue that a container hierarchy would be present in Fogarty. The Examiner's argument is, essentially, that if inheritance generally is known, any structure that supports inheritance is anticipated. This is an impermissible stretching of fact. Under this reasoning, the Wright Brothers would not have been able to patent the airplane because birds were known to fly.

Further, even if the principle of inheritance were a well-known object oriented programming technique, the Examiner has not shown the particular innovation of inheriting a language from a container was known. The Applicant traverses the Examiner's Official Notice, and believes that inheriting a language from a container as claimed is not well known. As the Examiner has acknowledged that Fogarty does not teach inheriting a language from a container (pages 3-4 of the Office Action dated February 7, 2006), claims 3 and 4 are patentable under 35 U.S.C. § 102(e). Accordingly, claims 3 and 4 are allowable.

Referring to claim 9, the invention is directed towards a method according to claim 7, wherein: determining the first language includes determining that no language is specified in the identity information in the directory entry; and the method further comprises inheriting the first language from a container of the directory entry.

Referring to claim 18, the invention is directed towards a program according to claim 16, wherein: the identification software to identify a first language includes determination software to determine that no language is specified in the identity information in the directory entry; and the program further comprises inheritance software to inherit the first language from a container of the directory entry.

Referring to claim 27, the invention is directed towards an article according to claim 25, wherein: the means embedded in the signal for identifying the first language includes means embedded in the signal for determining that no language is specified in the identity information in the directory entry; and the article further comprises means embedded in the signal for inheriting the first language from a container of the directory entry.

The Examiner argues that “Fogarty teaches determining the first language includes determining that no language is specified in the identity information in the directory entry, and the method further comprises inheriting the first language from a container of the directory entry (users who do not indicate a language, a locale specific prioritization process compares the languages used from the text portion with the languages used in the locale where the user lives, and selects a corresponding language, col. 7, line 61 through col. 8, line 4).”

In column 7, lines 55-63, Fogarty teaches prioritization of languages from a user’s profile as well as “popular languages used in the locale where the user lives.” As previously discussed, this information is all stored in the directory entry for the user. However, as argued above, Fogarty does not teach inheritance of a language for a container.

Because Fogarty does not teach inheriting a language a first language from a container of the directory entry, claims 9, 18, and 27 are patentable under 35 U.S.C. §102(e). Accordingly, claims 9, 18, and 27 are allowable.

For the foregoing reasons, reconsideration and allowance of claims 1-4, 6-10, 12-19, 21-28, 30-32 and 34-38 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,
MARGER JOHNSON & McCOLLOM, P.C.



Ariel S. Rogson
Reg. No. 43,054

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613
Customer No. 45842